



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,297	04/08/2002	Kenneth Carbone	06975-029006	1661
26171	7590	08/07/2009		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER OSMAN, RAMY M	
			ART UNIT 2457	PAPER NUMBER
			NOTIFICATION DATE 08/07/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



## **DETAILED ACTION**

### ***Status of Claims***

1. This action is a supplemental action which follows the office action dated 6/25/09. The period for response is reset as mentioned below.
2. Responsive to amendment filed on 3/17/09, claims 1-27,37-60 remain pending.

### ***Response to Arguments***

3. Applicant's arguments and amendments, filed 3/17/09, with respect to the rejection of claims 1-27,37-60 have been fully considered and are persuasive. Therefore the rejection of these claims has been withdrawn.

### ***Claim Objections***

4. Claim 2 objected to because of the following informalities: The word "sequental" is incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "the plurality of identifiers" in line 6. There is insufficient antecedent basis for this limitation in the claim. Line 4 does mention "identifying a

Art Unit: 2457

plurality of objects”, however identifying something does not necessarily mean that “identifiers” are designated. It has a broader meaning than that and therefore “the identifiers” lack proper antecedent basis.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claims 1-27,37-60 rejected under 35 U.S.C. 102(e) as being anticipated by Forin (US Patent 6594701).**

9. Forin anticipates the claims because Forin discloses a client requesting data packets (i.e. objects) to be transferred from a host. The host specifies credits (i.e. identifiers) and transfers frames that include the credits and the data.

**10. Claims 1-27,37-60 rejected under 35 U.S.C. 102(e) as being anticipated by Bennett (US Patent 6963923).**

11. In reference to claims 1,37, Stevens teaches a method and computer readable medium for asynchronously transferring a plurality of data objects between client and host devices, the method comprising:

Art Unit: 2457

transmitting a request for a data transfer session from a client device to a host, the request identifying a plurality of data objects to be transferred between the client device and the host (column 8 lines 50-52);

In response to the received request, transmitting from the host to the client device the plurality of identifiers for data objects, wherein each identifier is assigned by the host and corresponds to a different one of the data objects to be transferred (column 8 lines 39,53);

transferring over a network between the host and client devices a data frame that includes an identifier and at least a portion of the corresponding data object; and repeating the data frame transfers until the plurality of data objects have been transferred (column 9 lines 15-18).

12. In reference to claim 2, this is taught by Bennett, see at least column 9 lines 19-20.
13. In reference to claim 3, this is taught by Bennett, see at least column 9 lines 19-20.
14. In reference to claim 4, this is taught by Bennett, see at least column 8 lines 50-52.
15. In reference to claim 5, this is taught by Bennett, see at least column 8 lines 32-40.
16. In reference to claim 6, this is taught by Bennett, see at least column 8 lines 1-40.
17. In reference to claim 7, this is taught by Bennett, see at least column 9 lines 15-17.
18. In reference to claim 8, this is taught by Bennett, see at least column 8 lines 1-30.
19. In reference to claim 9, this is taught by Bennett, see at least column 9 lines 4-13.

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2457

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner, Art Unit 2457

August 3, 2009